

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David W. Clarke et al.
Serial No. : 09/921,293
Filed : August 3, 2001
Title : VORTEX FLOWMETER

Art Unit : 2857
Examiner : Jeffrey R. West

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON REASONS FOR ALLOWANCE

Applicant agrees that the limitations recited in the Examiner's Reasons for Allowance are not taught or suggested by the art of record. Applicant also agrees that the allowed independent claims are distinguished from the cited prior art. Applicant does not concede that the stated reasons are the only grounds for patentability of the allowed claims, that the limitations excluded from the Reasons for Allowance are taught or suggested by the art of record, or that all of the limitations are necessary for patentability of the allowed claims or other claims directed to the disclosed subject matter. Additionally, Applicant does not concede that the description of the art is correct in the Reasons for Allowance, and notes that the description of the art in the Reasons for Allowance may allow for additional grounds for patentability of one or more claims.

Further, with respect to the reasons for allowance provided for claims 1, 14, 21, 38, and 43, Applicant notes that these reasons for allowance relate to five claimed inventions including a method claim (claims 1, 14, 21, 38, and 43), but the Reasons for Allowance characterizes these claims as "the claimed invention" and as having "claimed limitations for a process variable transmitter/vortex flowmeter" (Notice of Allowance, page 10).

With respect to all of the claims, Applicant notes that the Reasons for Allowance paraphrases the claims, and groups claims together. Applicant understands that this provides the Examiner a convenient way to describe the claims, but does not concede that the paraphrasing and grouping of the Reasons for Allowance accurately characterizes the claims.

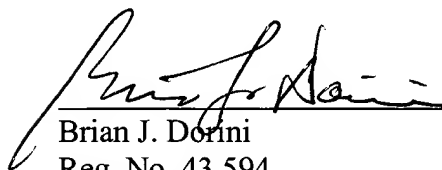
Applicant : David W. Clarke et al.
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Page : 2 of 2

Attorney's Docket No.: 02052-100001 / 00,012

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: SEPTEMBER 28, 2005



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WRITTEN STATEMENT OF INTERVIEW SUMMARY

Applicant notes that the Notice of Allowance, while indicating that an Interview Summary was included and while describing the authorization received for the Examiner's amendment, did not indicate that the Applicant does not need to provide a summary of the interview. Accordingly, the Applicant submits this statement.

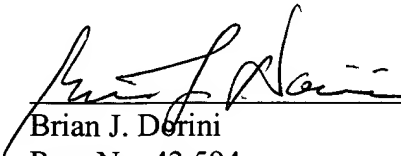
The Applicant thanks the Examiner for a series of phone calls and voicemails culminating in a June 21, 2005, authorization, by the Applicant's representative, of the Examiner's proposed amendments. The Examiner indicated that the proposed amendments would put the case in condition for allowance and were necessary to avoid an additional search.

The Applicant reserves the right to pursue the non-allowed claims in further prosecution of this or a further application.

No fees are believed to be due. Please apply any charges or credits to Deposit Account No. 06-1050.

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Filed : August 3, 2001

Art Unit : 2857
Examiner : Jeffrey R. West
Confirmation No.: 5657
Notice of Allowance Date: 7/18/05

Title : VORTEX FLOWMETER

MAIL STOP ISSUE FEE

Commissioner for Patents
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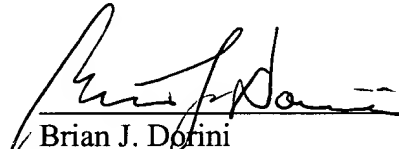
TRANSMITTAL OF FORMAL DRAWINGS

In response to the Notice of Allowability mailed July 18, 2005, please substitute the enclosed 19 sheets of formal drawings for the corresponding drawings presently in the application.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 28, 2005



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